IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPEAL NO.784 OF 2001

Jivraj Jeha @ Jaisingh Solanki.. Appellant

(Orig.Accused)

versus

The State of Maharashtra ... Respondent

Mr.D.G.Khamkar for Appellant

Ms.U.V.Kejriwal, A.P.P.for Respondent

CORAM : J.N.PATEL AND

SMT ROSHAN DALVI, JJ

DATED : 21st July, 2006

P.C.

1. For the reasons separately recorded, we hold that the finding of the trial Court in so far as it relates to charge No. thirdly that the appellant-accused is guilty of committing offence punishable under section 306 of the Indian Penal Code, in so far as his wife Damayanti is concerned is quashed and set aside and instead we find that the prosecution has proved the offence punishable

under section 302 of the Indian Penal Code and therefore he is found guilty of having committed murder of his wife Damayanti and is sentenced to suffer imprisonment for life and to pay a fine of Rs.1000/- in default to undergo imprisonment for a term of three years.

2. On other counts, we find that there is no merit in the appeal and therefore the conviction and sentence of the accused for having committed the murder of his daughter Daksha and son Akshay is concerned, we uphold the finding of the trial Court that he is guilty on each count for the offence punishable under section 302 of the Indian Penal Code and the sentence imposed by the trial Court is maintained.

3. The prayer of the prosecution for enhancement of the sentence to capital punishment is not accepted for the reasons specified in the judgment. The substantive sentences of the appellant to run concurrently.

4. The appeal stands dismissed accordingly.

(J.N.Patel, J)

(Smt Roshan Dalvi, J)